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<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/706,071	WILHELMSSON ET AL.	
	Examiner	Art Unit	
	Robert C. Scheibel	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/30/2006.
2. ☒ The allowed claim(s) is/are 1, 5-15, 21, 25-35, 42-75, renumbered 1-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>20060323</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Cameron (Reg. No. 50,298) on 3/30/2006.

The application has been amended as follows:

In claim 1, line 7, "the group" has been corrected to -- a group --.

In claim 1, line 11, "step of determining" has been corrected to -- step of dynamically determining --.

In claim 21, line 8, "the group" has been corrected to -- a group --.

In claim 43, line 2, "the  $V_{PA}$  value" has been corrected to -- a  $V_{PA}$  value --.

In claim 43, lines 2-3, "the previous  $Q_{PA}$  value" has been corrected to -- a previous  $Q_{PA}$  value --.

In claim 45, line 4, "the  $M_{ARQ}$  value" has been corrected to -- a  $M_{ARQ}$  value --.

In claim 45, line 4, "the previous  $Q_{ARQ}$  value" has been corrected to -- a previous  $Q_{ARQ}$  value --.

In claim 50, line 5, "the group" has been corrected to -- a group --.

In claim 50, line 10, "primarily interference" has been corrected to -- primarily interference limited --.

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In claim 52, line 5, " $f_{RSSI}(k), RSSI(k + 1)$ )" has been corrected to --  $f_{RSSI}(Q_{RSSI}(k), RSSI(k + 1))$ --.

In claim 54, line 2, "condition based the number" has been corrected to -- condition is based on a number --.

In claim 54, line 4, "the  $M_{CRC}$  value" has been corrected to -- an  $M_{CRC}$  value --.

In claim 54, line 5, "the previous  $Q_{CRC}$  value" has been corrected to -- a previous  $Q_{CRC}$  value --.

In claim 55, line 2, "the number of errors" has been corrected to -- a number of errors --.

In claim 55, line 4, "the previous  $Q_{FEC}$  value" has been corrected to -- a previous  $Q_{FEC}$  value --.

In claim 55, line 6, " $FEC(Q_{FEC}(k), M_{FEC}(k+1) )$ " has been corrected to --  $F_{FEC}(Q_{FEC}(k), M_{FEC}(k+1))$ --.

In claim 55, lines 7-8 have been deleted.

In claim 56, line 4, "the previous  $Q_{TSYNC}$  value" has been corrected to -- a previous  $Q_{TSYNC}$  value --.

In claim 58, line 4, "the  $M_{FSYNC}$  value" has been corrected to -- an  $M_{FSYNC}$  value --.

In claim 58, line 4, "the previous  $Q_{FSYNC}$  value" has been corrected to -- a previous  $Q_{FSYNC}$  value --.

In claim 60, line 8, "the group" has been corrected to -- a group --.

In claim 61, lines 1-2, "wherein the continuously estimating step is made by the receiver and a transmitter working in tandem based on" has been corrected to -- wherein the channel

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condition processor continuously estimates the quality condition by working in tandem with a transmitter based on--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 6:30-5:00 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RCS 3-38-06*  
Robert C. Scheibel  
Examiner  
Art Unit 2616

*Seema S. Rao*  
SEEMA S. RAO 4/3/06  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600